IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE SIXTEENTH DAY OF DECEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE GOPALA KRISHNA TAMADA

WRIT PETITION NO : 5036 of 1998

Between:

G.Srirama Rao, S/o. Venkata Murali Manohar Rao, contractor
R/o. Chilvakodur Mandal, Gollapally,
Karimnagar District.

..... PETITIONER

AND

1 The Mandal Revenue Officer,
Gollapalli mandal, Karimnagar District .
2 The Joint Collector, Karimnagar District .
3 The Executive Engineer, I & CAD (PW) Dept., Div. No. VI/GVC-I,
IMD Colony, Karimnagar, Karimnagar District

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue a writ order or Direction more in the nature of Mandamus declaring the impugned action of the Respondents in resorting to attachment/auction the petitioner's properties in the guise of proceedings No. C/1250/95, dated 19/01/1998 of 1st Respondent and set aside the same by holding the action of the Respondents in demanding the petitioner to pay arrears of Rs. 22,635/- along with attachment expense without any notice and opportunity after expiry of 15 years is as illegal, unjust and violative of principles of natural justice.

Counsel for the Petitioner:MR.CH.JAGANNADHA RAO

Counsel for the Respondent No.: GP FOR REVENUE

The Court made the following :

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ORDER:

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The petitioner who is a contractor approached this Court and filed the present Writ Petition questioning the proceedings of the 1st respondent dated 19-1-1998 demanding him to pay arrears of Rs.22,635/- along with attachment expenses as arbitrary, illegal and without any notice. But, from the record, it appears that with regard to the same subject matter the petitioner already instituted a suit i.e. O.S.No. 224 of 1984 and the same was dismissed by the Junior Civil Judge, Karimnagar. As against which an appeal is preferred and the same was numbered as A.S.No. 27 of 1995. If it is his case that they are trying to recover the said amount invoking the provisions of Revenue Recovery Act, he ought to have approached the Civil Court, where his appeal is pending and ought to have obtained necessary orders, instead he approached this Court and filed this petition. In that view of the matter, this Writ Petition is misconceived that a part, this Court while issuing rule nisi and granting interim direction directed the petitioner to furnish a bank guarantee in a sum of Rs.23,000/- within a period of eight days and the learned counsel for the petitioner is unable to answer as to whether the said interim direction is complied with or not.

In the light of the above circumstances, I see no merits in this petition and the same is dismissed. No order as to costs.

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Gopala Krishna Tamada, J.

16th December, 2004.

KM

SPECIAL OFFICER

// TRUE COPY //

SECTION OFFICER

To

1 The Mandal Revenue Officer,
Gollapalli mandal, Karimnagar District .
2 The Joint Collector, Karimnagar District .
3 The Executive Engineer, I & CAD (PW) Dept., Div. No. VI/GVC-I,
IMD Colony, Karimnagar, Karimnagar District

4. 2CCs to G.P. for Revenue, High Court Buildings, Hyderabad (OUT)

5. 2CD copies

THE HON'BLE MR JUSTICE GOPALA KRISHNA TAMADA

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